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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,751	04/09/2004	Hiroshi Saegusa	07409.0030	8801

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Finnegan, Henderson, Farabow,
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1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

ELLINGTON, ALANDRA

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/820,751	Applicant(s) SAEGUSA ET AL.	
	Examiner Alandra Ellington	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 17 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,8 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Bissonnette et al (6,527,648) (hereinafter Bissonnette).

a. With respect to Claim 1, Bissonnette discloses a method of evaluating restitution characteristics of a golf club head by performing impact vibration through application surface of the of an external force to a golf ball impact golf club head, the method comprising: acquiring a resonance frequency of the impact surface in a mass added state, which is obtained by affixing a mass regulating member 654,656 having a known mass to the impact surface (col. 16 lines 38-42), impact surface and acquiring non-mass added state, in which the mass regulating member 654,656 is not affixed to the impact surface, by using response signal of the impact surface due to the impact a resonance frequency of the vibration; and computing, by using the resonance frequency obtained in the mass added state and the resonance frequency in non-mass added state, impact surface when a coefficient of restitution for the impact surface impacts a golf ball (col. 16 lines 16-67, col. 17 lines 19-67, col. 18 lines 1-4 {Fig. 15}).

- b. With respect to Claim 2, Bissonnette discloses the method of evaluating restitution characteristics of a golf club head according to claim 1, further comprising, when computing the coefficient of restitution, obtaining a parameter that specifies the resonance frequency of the impact surface in the non-mass added state, in which the mass regulating member 654,656 is not affixed to the impact surface, and computing the coefficient of restitution of the impact surface when the impact surface impacts a golf ball by using the parameter (col. 17 lines 35-51 {Fig. 16}).
- c. With respect to Claim 3, Bissonnette discloses the method of evaluating restitution characteristics of a golf club head according to claims 1, wherein the resonance frequency is a first resonance frequency of the impact surface (col. 17 lines 19-67, col. 18 lines 1-4 {Figs. 16-18}).
- d. With respect to Claim 8, Bissonnette discloses the method of evaluating restitution characteristics of a golf club head according to claim 1, wherein the response signal is a sound pressure signal of the impact surface (col. 16 lines 45-67).
- e. With respect to Claim 17, Bissonnette discloses a device for evaluating restitution characteristics of golf club head, the device evaluating the restitution characteristics of the golf club head by using a response signal of a golf ball impact surface of a golf club when impact vibration is performed on the impact surface by applying an external force to the impact surface, the device comprising: a resonance frequency computing portion that acquires a resonance frequency of the impact surface in a mass added state, which is obtained by affixing a mass regulating member 654,656 having a known mass to the impact surface (col. 16 lines 38-42),

and a resonance frequency of the impact surface a non-mass added state, in which the mass regulating member 654,656 is not affixed to the impact surface, by using a response signal of the impact surface due to the impact vibration; and a restitution coefficient computing portion that obtains, by using the resonance state and the resonance frequency in the non-mass added frequency in the mass added state, coefficient of restitution for the impact surface when the impact surface impacted by the golf ball (col. 16 lines 16-67, col. 17 lines 19-67, col. 18 lines 1-4 {Fig. 15}).

Allowable Subject Matter

3. Claims 9-16 and 18 are allowed.

4. The following is an examiner's statement of reasons for allowance: The reasons for allowance are based on the inclusion of a *plurality of mass-added states* in combination with a *plurality of mass regulating members*.

5. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The reasons for the indication of allowable subject matter is based on the inclusion of:

- a. In Claim 4, the method step wherein the parameter is a *modal parameter of a resonance mode of the impact surface*.
- b. In Claim 6, the method step wherein the response signal is an *acceleration signal of vibrations of the impact surface*.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(US 2002/0183136) (4,928,965)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.


9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alandra Ellington
Art Unit 2855



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MAX NOORI
PRIMARY EXAMINER